

Passed by the House on May 1, 2015: Yeas 134, Nays 6, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 48 on May 28, 2015: Yeas 137, Nays 5, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2015: Yeas 31, Nays 0.

Approved June 1, 2015.

Effective June 1, 2015.

**CREATION OF THE COTTON CENTER MUNICIPAL UTILITY
DISTRICT NO. 1; GRANTING A LIMITED POWER OF
EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 269

H.B. No. 1372

AN ACT

relating to the creation of the Cotton Center Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8492 to read as follows:

CHAPTER 8492. COTTON CENTER MUNICIPAL UTILITY DISTRICT NO.

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SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8492.001. **DEFINITIONS.** *In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Cotton Center Municipal Utility District No. 1.

Sec. 8492.002. **NATURE OF DISTRICT.** *The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.*

Sec. 8492.003. **CONFIRMATION AND DIRECTORS' ELECTION REQUIRED.** *The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.*

Sec. 8492.004. **CONSENT OF MUNICIPALITY REQUIRED.** *The temporary directors may not hold an election under Section 8492.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.*

Sec. 8492.005. **FINDINGS OF PUBLIC PURPOSE AND BENEFIT.** (a) *The district is created to serve a public purpose and benefit.*

(b) *The district is created to accomplish the purposes of:*

- (1) *a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and*
- (2) *Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved*

roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8492.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;*
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;*
- (3) right to impose a tax; or*
- (4) legality or operation.*

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8492.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8492.052, directors serve staggered four-year terms.

Sec. 8492.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Angela Fulcher;*
- (2) Julie Dolby Casner;*
- (3) Laurie Gosda;*
- (4) Sandra Wood; and*
- (5) Cheri D. Hisaw.*

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 8492.003; or*
- (2) the fourth anniversary of the effective date of the Act enacting this chapter.*

(c) If permanent directors have not been elected under Section 8492.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 8492.003; or*
- (2) the fourth anniversary of the date of the appointment or reappointment.*

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8492.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8492.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8492.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8492.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8492.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 8492.151. DIVISION OF DISTRICT; PREREQUISITES. The district may be divided into two or more new districts only if the district:

- (1) has never issued any bonds; and*
- (2) is not imposing ad valorem taxes.*

Sec. 8492.152. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 8492.153. LIMITATION ON AREA OF NEW DISTRICT. A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

Sec. 8492.154. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(b) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8492.003 to confirm the district's creation.

(c) An order dividing the district must:

- (1) name each new district;*
- (2) include the metes and bounds description of the territory of each new district;*
- (3) appoint temporary directors for each new district; and*
- (4) provide for the division of assets and liabilities between the new districts.*

(d) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

Sec. 8492.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a) A new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8492.003.

(b) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

Sec. 8492.156. TAX OR BOND ELECTION. Before a new district created by the division of the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes, the new district must hold an election as required by this chapter to obtain voter approval.

Sec. 8492.157. MUNICIPAL CONSENT. Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8492.004 acts

as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8492.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or*
- (2) contract payments described by Section 8492.203.*

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8492.202. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8492.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8492.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

Sec. 8492.251. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8492.252. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8492.253. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Cotton Center Municipal Utility District No. 1 initially includes all the territory contained in the following area:

DESCRIPTION

OF A 2357.9 ACRE TRACT OF LAND OUT OF THE WILLIAM PETTUS LEAGUE, ABSTRACT NO. 21, THE THOMAS MAXWELL LEAGUE, ABSTRACT NO. 188, AND THE THOMAS YATES LEAGUE, ABSTRACT NO. 313, SITUATED IN CALDWELL COUNTY, TEXAS, BEING ALL OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO WALTON TEXAS, LP. BY THE FOLLOWING DEEDS OF RECORD IN THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS:

A) 91.99 ACRES (PARCEL 1) AND 4.56 ACRES (PARCEL 2) OF RECORD IN VOLUME 643, PAGE 69;

- B) 87.92 ACRES OF RECORD IN DOCUMENT NO. 113576;
- C) 99.03 ACRES OF RECORD IN DOCUMENT NO. 122695;
- D) 358.07 ACRES PORTION OF 573.65 ACRES (TRACT 1) OF RECORD IN VOLUME 524, PAGE 599;
- E) 224.83 ACRES OF RECORD IN VOLUME 556, PAGE 729,
- F) 339.31 ACRES OF RECORD IN VOLUME 556, PAGE 246;
- G) 120.75 ACRES OF RECORD IN DOCUMENT NO. 123755;
- H) 69.19 ACRES OF RECORD IN DOCUMENT NO. 132453;
- I) 47.271 ACRES, 49.330 ACRES, AND 49.325 ACRES OF RECORD IN DOCUMENT NO. 126556;
- J) 70.540 ACRES OF RECORD IN DOCUMENT NO. 131493;
- K) 55.669 ACRES OF RECORD IN DOCUMENT NO. 131492;
- L) 239.035 ACRES OF RECORD IN DOCUMENT NO. 125890;
- M) 59.828 ACRES OF RECORD IN DOCUMENT NO. 126555;
- N) 252.85 ACRES OF RECORD IN DOCUMENT NO. 124324;
- O) 133.84 ACRES OF RECORD IN DOCUMENT NO. 132453;

SAID 2357.9 ACRES OF LAND ALSO INCLUDES ALL THE AREA WITHIN THE EXISTING RIGHTS-OF-WAY OF CALDWELL COUNTY ROAD NO. 238 (VALLEY WAY DRIVE) AND FARM-TO-MARKET ROAD 1984 AS USED ON-THE-GROUND WHICH ARE CONTAINED WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION; SAVE AND EXCEPT THEREFROM THAT CERTAIN 1.790 ACRE TRACT OF LAND CONVEYED TO BARBARA KINKADE BY DEED OF RECORD IN VOLUME 206, PAGE 238 AND THAT CERTAIN 15.354 ACRE REMAINDER OF A 129 ACRE (FIRST TRACT) AND 120 ACRE (SECOND TRACT) OF LAND CONVEYED TO ROBERT W. SHANNON, KAREN S. MORELAND, DONNA S. ANDREW AND PAUL B. SHANNON BY DEEDS OF RECORD IN VOLUME 255, PAGE 169, VOLUME 256, PAGE 261, VOLUME 335, PAGE 768, AND VOLUME 371, PAGE 837, ALL OF SAID OFFICIAL PUBLIC RECORDS; SAID 2357.9 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED IN TWO (2) PARTS BY METES AND BOUNDS AS FOLLOWS:

PART 1—1206.6 ACRES

BEGINNING, at a 5/8 in iron rod at the intersection of the southerly right-of-way line of the Union Pacific Railroad and the southwesterly right-of-way line of Valley Way Drive (R.O.W. varies), being the northeasterly corner of said 91.99 acre tract, for the northeasterly corner hereof;

THENCE, S41°17'23"E, leaving the southerly right-of-way line of the Union Pacific Railroad, along the southwesterly right-of-way line of Valley Way Drive, being the northeasterly line of said 91.99 acre tract, for the northeasterly line hereof, a distance of 2788.12 feet to a 5/8 inch iron rod in the northwesterly line of a 130.59 acre tract of land, conveyed to David Matthew Best by Deed of record in Volume 269, Page 127 of said Official Public Records, being the easterly corner of said 91.99 acre tract and hereof;

THENCE, S48°21'22"W, leaving the southwesterly right-of-way line of Valley Way Drive, along the northwesterly line of said 130.59 acre tract, being the southeasterly line of said 91.99 acre tract, for a portion of the southeasterly line hereof, a distance of 1361.88 feet to the southerly corner of said 91.99 acre tract and the northerly corner of said 4.56 acre tract, for an angle point hereof;

THENCE, leaving the southerly corner of said 91.99 acre tract, along the northeasterly and southeasterly lines of said 4.56 acre tract, for a portion of the southeasterly line hereof, the following two (2) courses and distances:

- 1) S41°07'40"E, a distance of 322.45 feet to a 5/8 inch iron rod for the easterly corner of said 4.56 acre tract, and an angle point hereof;

2) S48°22'55"W, a distance of 616.59 feet to the southerly corner of said 4.56 acre tract, being a northwesterly corner of said 130.59 acre tract, in the northeasterly line of an eight (8) yard by one-hundred ten (110) yard Strip of land reserved to O.M. Hoffman by Deed of record in Volume 229, Page 244 of said Official Public Records, said Strip also being described as part of Tract II, in a Deed to Hoffman Family Trust 1994, of record in Volume 127, Page 436 of said Official Public Records, for an angle point hereof;

THENCE, along a portion of the northeasterly, northwesterly, and southwesterly lines of said Strip, being a portion of the southwesterly line of said 4.56 acre tract, and a portion of the southeasterly line of said 87.92 acre tract, for a portion of the southeasterly line hereof, the following three (3) courses and distances:

1) N41°10'09"W, a distance of 11.86 feet to the northerly corner of said Strip, for an angle point hereof;

2) S48°19'26"W, a distance of 23.99 feet to the westerly corner of said Strip, for an angle point hereof;

3) S41°19'42"E, a distance of 329.93 feet to an iron rod with "UDG" cap in the northwesterly line of a 111.482 acre tract of land conveyed to Henry E. McCulloch, Jr. and wife, Barbara J. McCulloch by Deed of record in Volume 504, Page 634 of said Official Public Records, being the southerly corner of said Strip and the most southeasterly corner of said 87.92 acre tract, for an angle point hereof;

THENCE, S48°20'39"W, leaving the southwesterly line of said Strip, along a portion of the southeasterly line of said 87.92 acre tract, and the southeasterly line of said 99.03 acre tract, being a portion of the northwesterly line of said 111.482 acre tract and a portion of the northwesterly line of a 9.41 acre tract of land conveyed to Henry E. McCulloch, Jr. and wife, Barbara J. McCulloch by Deed of record in Volume 511, Page 13 of said Official Public Records, for a portion of the southeasterly line hereof, a distance of 3046.71 feet to the southerly corner of said 99.03 acre tract being in the northeasterly line of said 573.65 acre tract, and the northwesterly corner of said 9.41 acre tract, for an angle point hereof;

THENCE, leaving the southeasterly line of said 99.03 acre tract, along a portion of the northwesterly and southwesterly lines of said 9.41 acre tract, and a portion of the northeasterly line of said 573.65 acre tract, for a portion of the southeasterly line hereof, the following three (3) courses and distances:

1) S41°34'50"E, a distance of 19.14 feet to an angle point hereof;

2) S48°56'20"W, a distance of 161.89 feet to an iron rod with "carter & burgess" cap for an angle point hereof;

3) S41°36'05"E, a distance of 1522.35 feet to the southerly corner of said 9.41 acre tract in the northwesterly right-of-way line of State Highway 142 (R.O.W. varies), for the easterly corner of said 573.65 acre tract, and an angle point hereof;

THENCE, leaving the southwesterly line of said 9.41 acre tract, along the northwesterly right-of-way line of State Highway 142, along a portion of the southeasterly line of said 573.65 acre tract, for a portion of the southeasterly line hereof, the following six (6) courses and distances:

1) S48°50'36"W, a distance of 1342.09 feet to the point of curvature of a non-tangent curve to the left;

2) Along said curve, having a radius of 11535.16 feet, a central angle of 02°03'00", an arc length of 412.72 feet and a chord which bears, S47°48'06"W, a distance of 412.70 feet to the end of said curve;

3) S46°50'18"W, a distance of 148.55 feet to the point of curvature of a non-tangent curve to the right;

4) Along said curve, having a radius of 11393.65 feet, a central angle of 02°03'02", an arc length of 407.78 feet and a chord which bears, S47°48'07"W, a distance of 407.76 feet to the end of said curve;

5) S48°51'00"W, a distance of 1315.11 feet to the point of curvature of a non-tangent curve to the right;

6) Along said curve, having a radius of 11,389.16 feet, a central angle of 00°37'29", an arc length of 124.18 feet and a chord which bears, S49°09'26"W, a distance of 124.18 feet to the point of curvature of a non-tangent curve to the left, for the most southerly corner hereof;

THENCE, leaving said northwesterly right-of-way line of State Highway 142, over and across said 573.65 acre tract, for a portion of the southwesterly line hereof, along the approximate Martindale City Limit Line, the following four (4) courses and distances:

1) Along said curve, having a radius of 2746.11 feet, a central angle of 26°52'25", an arc length of 1288.01 feet and a chord which bears, N53°46'19"W, a distance of 1276.24 feet to the end of said curve;

2) N69°22'30"W, a distance of 631.48 feet to an angle point hereof;

3) S69°38'20"W, a distance of 374.12 feet to an angle point hereof;

4) N65°05'35"W, a distance of 871.31 feet to a point in the southeasterly line of a 137 acre tract of land conveyed to John Mac Mauldin by Deed of record in Volume 359, Page 673 of said Official Public Records, and the northwesterly line of said 573.65 acre tract, for an angle point hereof;

THENCE, along a portion of the southeasterly line and the northeasterly line of said 137 acre tract, and the northwesterly line of said 573.65 acre tract, for a portion of the southwesterly line hereof, the following two (2) courses and distances:

1) N49°05'19"E, a distance of 1820.68 feet to an iron pipe for the easterly corner of said 137 acre tract, the westerly corner of said 573.65 acre tract, and an angle point hereof;

2) N40°56'06"W, a distance of 1177.53 feet to a point in the southeasterly line of a 167.96 acre tract of land conveyed to Conrads Herbert Inc. by Deed of record in Volume 346, Page 76 of said Official Public Records, being the northerly corner of said 137 acre tract, the northwesterly corner of said 573.65 acre tract, and an angle point hereof;

THENCE, N48°54'41"E, leaving the northeasterly line of said 137 acre tract, along a portion of the common southeasterly line of said 167.96 acre tract and a portion of the northwesterly line of said 573.65 acre tract, for a portion of the southwesterly line hereof, a distance of 42.46 feet to the most easterly corner of said 167.96 acre tract, and the southerly corner of said 224.83 acre tract, for an angle point hereof;

THENCE, leaving the northwesterly line of said 573.65 acre tract, along the common line of said 167.96 acre tract and said 224.83 acre tract, for a portion of the southwesterly line hereof, the following eight (8) courses and distances:

1) N12°19'50"W, a distance of 294.36 feet to an angle point;

2) N00°34'24"E, a distance of 227.61 feet to an angle point;

3) N36°30'21"W, a distance of 285.03 feet to an angle point;

4) N56°28'57"W, a distance of 234.92 feet to an angle point;

5) N50°20'48"W, a distance of 99.62 feet to an angle point;

6) N27°15'48"W, a distance of 102.46 feet to an angle point;

7) N22°50'14"W, a distance of 255.49 feet to the westerly corner of said 224.83 acre tract, for an angle point hereof;

8) N43°45'31"E, a distance of 190.62 feet to the southerly corner of said 339.31 acre tract, for an angle point hereof;

THENCE, leaving the northwesterly line of said 224.83 acre tract, along the common line of said 167.96 acre tract and said 339.31 acre tract, for a portion of the southwesterly line hereof, the following two (2) courses and distances:

1) N39°23'33"W, a distance of 241.44 feet to an angle point;

2) N26°29'00"W, a distance of 668.42 feet to the easterly corner of a 213.451 acre tract of land conveyed to Curby Ohnheiser by Deed of record in Volume 178, Page 184 of said Official Public Records, for an angle point hereof;

THENCE, along a portion of the common northeasterly line of said 213.451 acre tract and the southwesterly line of said 339.31 acre tract, for a portion of the southwesterly line hereof, the following three (3) courses and distances:

- 1) N16°07'11"W, a distance of 819.56 feet to an angle point;
 - 2) N13°49'18"W, a distance of 655.20 feet to an angle point;
 - 3) N09°25'58"W, a distance of 163.84 feet to the southerly corner of a 49.82 acre tract of land conveyed to David J. Huffman by Deed of record in Volume 527, Page 292 of said Official Public Records, for the most westerly corner of said 339.31 acre tract and hereof;
- THENCE, along the southeasterly and northeasterly lines of said 49.82 acre tract and the northwesterly line of said 339.31 acre tract, for the northwesterly line hereof, the following four (4) courses and distances:

- 1) N48°42'42"E, a distance of 1780.59 feet to a pk nail in a fence post;
- 2) N41°04'53"W, a distance of 664.10 feet to a pk nail in a fence post;
- 3) N48°44'06"E, a distance of 1261.08 feet to the most easterly corner of said 49.82 acre tract;
- 4) N42°14'20"W, a distance of 275.49 feet to the northeasterly corner of said 49.82 acre tract and northwesterly corner of said 339.31 acre tract, in the southerly right-of-way line of the Union Pacific Railroad, for the northwesterly corner hereof;

THENCE, leaving the northeasterly line of said 49.82 acre tract, along a portion of the southerly right-of-way line of the Union Pacific Railroad, and a portion of the northerly line and northeasterly line of said 339.31 acre tract, for a portion of the northerly line hereof, the following two (2) courses and distances:

- 1) S87°55'54"E, a distance of 3775.29 feet to an iron rod for the northeasterly corner of said 339.31 acre tract, and an angle point hereof;
- 2) S41°18'02"E, a distance of 62.32 feet to an iron rod for the northwesterly corner of said 91.99 acre tract, and an angle point hereof;

THENCE, leaving the northeasterly line of said 339.31 acre tract, along a portion of the southerly right-of-way line of the Union Pacific Railroad, the southerly right-of-way line of said Valley Way Drive, and the northerly line of said 91.99 acre tract, for a portion of the northerly line hereof, the following three (3) courses and distances:

- 1) S88°18'23"E, a distance of 870.54 feet to an iron rod for an angle point hereof;
- 2) N82°39'41"E, a distance of 454.88 feet to an angle point hereof;
- 3) N81°46'58"E, a distance of 126.52 feet to the POINT OF BEGINNING, and containing an area of 1206.6 acres of land, more or less, within these metes and bounds.

PART 2—1151.3 ACRES

BEGINNING, at an iron rod with "UDG" cap found in the southwesterly right-of-way line of Valley Way Drive (R.O.W. varies) for the northerly corner of a 1.82 acre tract of land conveyed to Jethery Bohannon Et. Ux. By deed of record in Volume 240, Page 435 of said Official Public Records, the southeasterly corner of said 133.84 acre tract, and an angle point hereof;

THENCE, S49°38'37"W, leaving the southwesterly right-of-way line of Valley Way Drive, along the common line of said 1.82 acre tract and said 133.84 acre tract, a distance of 409.77 feet to a point in the northerly right-of-way line of the Union Pacific Railroad (100' R.O.W.);

THENCE, N87°55'45"W, along the northerly right-of-way of said Railroad, a distance of 1952.56 feet to a point for the southwesterly corner of said 133.84 acre tract and the southeasterly corner of a 22.1 acre tract of land conveyed to Abel Garza Et. Ux. By deed of record in Volume 96, Page 683 of said Official Public Records;

THENCE, leaving the northerly right-of-way of said Railroad, along the common line of said 133.84 acre tract and said 22.1 acre tract, the following two (2) courses and distances:

- 1) N01°23'47"E, a distance of 217.61 feet to and iron rod for an angle point hereof;

2) N41°22'34"W, a distance of 2440.88 feet to a fence corner post in the southeasterly right-of-way line of F.M. 1984 (80' R.O.W.) for the northerly corner of said 22.1 acre tract, the easterly corner of said 133.84 acre tract, and an angle point hereof;

THENCE, N41°36'44"W, leaving the northerly corner of said 22.1 acre tract, over and across F.M. 1984, a distance of 80.09 feet to a point in the northwesterly right-of-way line of F.M. 1984, and the southeasterly line of said 252.85 acre tract, for an angle point hereof;

THENCE, S48°23'16"W, a distance of 1345.17 feet to an iron rod with "LENZ" cap in the southeasterly line of said 252.85 acre tract and the easterly corner of a 40.0 acre tract of land conveyed to Myrna Lopez by deed of record in Document No. 122023 of said Official Public Records, for an angle point hereof;

THENCE, leaving the northerly right-of-way line of F.M. 1984, along the common line of said 252.85 acre tract and said 40.0 acre tract, the following sixteen (16) courses and distances:

- 1) N34°21'01"W, a distance of 110.36 feet to an iron rod with "LENZ" cap;
- 2) N19°39'31"W, a distance of 293.22 feet to an iron rod with "LENZ" cap;
- 3) N03°15'11"W, a distance of 82.66 feet to an angle point;
- 4) N36°52'22"E, a distance of 33.25 feet to an angle point;
- 5) N03°46'05"W, a distance of 515.85 feet to an angle point;
- 6) N09°53'30"W, a distance of 29.53 feet to an angle point;
- 7) N42°29'18"E, a distance of 23.22 feet to an angle point;
- 8) N09°28'01"E, a distance of 66.25 feet to an angle point;
- 9) N07°00'01"W, a distance of 164.91 feet to an angle point;
- 10) N13°52'24"W, a distance of 144.68 feet to an angle point;
- 11) N21°57'50"W, a distance of 90.39 feet to an angle point;
- 12) N10°37'25"W, a distance of 153.12 feet to an angle point;
- 13) N23°21'47"W, a distance of 161.89 feet to an iron rod with "LENZ" cap;
- 14) N41°34'57"W, a distance of 172.18 feet to an iron rod with "LENZ" cap for the northerly corner of said 40.0 acre tract;
- 15) S48°21'01"W, a distance of 1431.20 feet to an iron rod with "LENZ" cap for the westerly corner of said 40.0 acre tract;
- 16) S41°38'18"E, a distance of 1735.64 feet to an iron rod with "LENZ" cap for the southerly corner of said 40.0 acre tract, in the northwesterly right-of-way line of F.M. 1984 for an angle point of said 252.85 acre tract and hereof;

THENCE, S48°21'42"W, leaving the southerly corner of said 40.0 acre tract, along the northwesterly right-of-way line of F.M. 1984, a distance of 592.58 feet to the southerly corner of said 252.85 acre tract, in the northeasterly line of Fehlis Revised Addition to Reedville, of record in Volume 27, Page 368, of the Deed Records of said County, for an angle point;

THENCE, N41°22'43"W, leaving the northwesterly right-of-way line of F.M. 1984, along the southwesterly line of said 252.85 acre tract, a portion of the northeasterly line of said Fehlis Revised Addition, and a portion of the northeasterly line of a 56.52 acre tract of land conveyed to Southern Pecan Plantation Mobile Home Park, Inc., by deed of record in Volume 79, Page 369, of said Official Public Records, a distance of 3152.26 feet to an aluminum disk in concrete for the northerly corner of said 56.52 acre tract, the westerly corner of said 252.85 acre tract and hereof;

THENCE, N48°46'59"E, along the northwesterly line of said 252.85 acre tract, a distance of 4120.83 feet to point in the southwesterly right-of-way line of William Pettus Road (R.O.W. varies) for the northerly corner of said 252.85 acre tract;

THENCE, S40°53'44"E, along the southwesterly right-of-way line of William Pettus

Road and northeasterly line of said 252.85 acre tract, a distance of 2659.70 feet to the point of curvature of a non-tangent curve to the left at the intersection of the southwesterly right-of-way line of William Pettus Road and the northwesterly right-of-way line of F.M. 1984;

THENCE, leaving the southwesterly right-of-way line of William Pettus Road, along the curving northwesterly right-of-way line of F.M. 1984 and southeasterly line of said 252.85 acre tract, the following three (3) courses and distances;

- 1) Along said curve to the left having a radius of 756.20 feet, a central angle of $22^{\circ}14'32''$, an arc length of 293.56 feet, and a chord which bears, $S09^{\circ}41'28''W$, a distance of 291.72 feet to the end of said curve;

- 2) $S01^{\circ}25'48''E$, a distance of 53.10 feet to the point of curvature of a non-tangent curve to the right;

- 3) Along said non-tangent curve to the right having a radius of 676.20 feet, a central angle of $49^{\circ}28'14''$, an arc length of 583.85 feet, and a chord which bears, $S23^{\circ}18'19''W$, a distance of 565.88 feet to a TxDOT concrete monument at the end of said curve;

THENCE, $S41^{\circ}36'44''E$, leaving the southeasterly line of said 252.85 acre tract and northwesterly right-of-way line of F.M. 1984, over and across F.M. 1984, a distance of 79.92 feet to an angle point in the southeasterly right-of-way line of F.M. 1984, and the northwesterly line of said 133.84 acre tract;

THENCE, $N48^{\circ}22'36''E$, along the northwesterly line of said 133.84 acre tract, being a portion of the southeasterly right-of-way line of F.M. 1984 and a portion of the southeasterly right-of-way line of Valley Way Drive (50' R.O.W.), a distance of 765.39 feet to northerly corner of said 133.84 acre tract in the southwesterly right-of-way line of Valley Way Drive (R.O.W. varies);

THENCE, $N48^{\circ}53'36''E$, leaving the northerly corner of said 133.84 acre tract, over and across said Valley Way Drive, a distance of 51.66 feet to an angle point in the northeasterly right-of-way line of Valley Way Drive and the southwesterly line of said 69.19 acre tract;

THENCE, $N41^{\circ}06'24''W$, along the northeasterly right-of-way line of Valley Way Drive, a distance of 477.14 feet to an angle point at the intersection of the northeasterly right-of-way line of Valley Way Drive and the southeasterly right-of-way line of F.M. 1984;

THENCE, leaving the northeasterly right-of-way line of Valley Way Drive, along a portion of southeasterly right-of-way line of F.M. 1984 and northwesterly line of said 69.19 acre tract, the following two (2) courses and distances:

- 1) Along a non-tangent curve to the right having a radius of 676.09 feet, a central angle of $26^{\circ}42'34''$, an arc length of 315.17 feet, and a chord which bears, $N35^{\circ}06'01''E$, a distance of 312.33 feet to the end of said curve;

- 2) $N48^{\circ}30'35''E$, a distance of 2278.26 feet to an angle point hereof;

THENCE, $N41^{\circ}29'25''W$, leaving the northwesterly line of said 69.19 acre tract, over and across F.M. 1984, a distance of 80.30 feet to the southerly corner of said 120.75 acre tract in the northwesterly right-of-way line of F.M. 1984;

THENCE, leaving the northwesterly right-of-way line of F.M. 1984, along the irregular southwesterly line of said 120.75 acre tract, the following seven (7) courses and distances:

- 1) $N41^{\circ}29'56''W$, a distance of 1298.87 feet to an angle point of said 120.75 acre tract and hereof;

- 2) $S48^{\circ}31'19''W$, a distance of 1130.21 feet to an iron rod found for angle point of said 120.75 acre tract and the northerly corner of a 13.02 acre tract of land conveyed to Kristin Kocurek by deed of record in Volume 515, Page 161 of said Official Public Records;

- 3) $N41^{\circ}26'45''W$, a distance of 376.48 feet to an iron rod found for angle point of said 120.75 acre tract and hereof;

- 4) $N41^{\circ}04'25''W$, a distance of 250.72 feet to an iron rod found for angle point of said 120.75 acre tract and hereof;

5) N41°11'04"W, a distance of 250.71 feet to an iron rod found for angle point of said 120.75 acre tract and hereof;

6) N41°09'44"W, a distance of 386.22 feet to an iron rod found for angle point of said 120.75 acre tract and hereof;

7) N40°53'52"W, a distance of 222.60 feet to a fence post found in the southeasterly line of a 10 acre tract of land conveyed to Tanya Moran by deed of record in Volume 287, Page 564 of said Official Public Records, for the northerly corner of a 1.001 acre tract of land conveyed to Vincent J. Bustos by deed of record in Volume 574, Page 1 of said Official Public Records, and the westerly corner of said 120.75 acre tract;

THENCE, N48°47'31"E, along the northwesterly line of said 120.75 acre tract, a distance of 2437.59 feet to an iron rod for the easterly corner of a 90.014 acre tract of land conveyed to Kenneth R. Kent by deed of record in Volume 428, Page 79 of the Deed Records of said County, the northerly corner of said 120.75 acre tract, and in the southwesterly line of Lot 9, Block B, Koeglar Hills, a subdivision of record in Cabinet A, Slide 50 of the Plat Records of said County;

THENCE, S42°00'07"E, along the northeasterly line of said 120.75 acre tract and the southwesterly line of said Koeglar Hills Subdivision, a distance of 895.37 feet to an iron rod for an angle point of said 120.75 acre tract and hereof;

THENCE, S41°15'14"E, continuing along the northeasterly line of said 120.75 acre tract and the southwesterly line of said Koeglar Hills Subdivision, a distance of 1663.51 feet to the easterly corner of said 120.75 acre tract, in the southwesterly line of Lot 3C of the Replat of Lots 3 and 4, Block B Koeglar Hills Subdivision, of record in Cabinet B, Slide 19 of the Plat Records of said County and the northerly corner of an old cemetery (no recording information found);

THENCE, leaving said Lot 3C, along the common line of said 120.75 acre tract and said old cemetery, the following four (4) courses and distances:

- 1) S48°44'49"W, a distance of 59.99 feet to an angle point;
- 2) S41°15'11"E, a distance of 29.00 feet to an angle point;
- 3) S48°44'49"W, a distance of 355.50 feet to an angle point;

4) S41°15'11"E, a distance of 189.19 feet to the southerly corner of said old cemetery for an angle point of said 120.75 acre tract and hereof in the northwesterly right-of-way line of F.M. 1984;

THENCE, S48°36'20"W, along the northwesterly right-of-way line of F.M. 1984 and southeasterly line of said 120.75 acre tract, a distance of 592.28 feet to an angle point;

THENCE, S41°23'40"E, leaving the southeasterly line of said 120.75 acre tract, over and across F.M. 1984, a distance of 79.79 feet to an iron rod for the northerly corner of said 69.19 acre tract and the westerly corner of a 3.67 acre tract of land conveyed to Arthur D. Ehrlich and Mary L. Ehrlich by deed of record in Volume 179, Page 507 of said Official Public Records;

THENCE, leaving the southeasterly right-of-way line of F.M. 1984, along the common line of said 69.19 acre tract and said 3.67 acre tract, the following two (2) courses and distances:

- 1) S41°22'11"E, a distance of 399.75 feet to steel fence corner post;
- 2) N48°31'55"E, a distance of 397.74 feet to an iron rod for the easterly corner of said 3.67 acre tract;

THENCE, S41°27'50"E, along the northeasterly line of said 69.19 acre tract, a distance of 568.68 feet to a steel fence post in the southwesterly line of Lot 6, Block 1 of Castle Hill Subdivision Phase I, a subdivision of record in Book A, Page 181 of the Plat Records of said County;

THENCE, leaving the southeasterly line of said Castle Hill Subdivision, along the southeasterly line of said 69.19 acre tract, the following eight (8) courses and distances:

- 1) S48°41'00"W, a distance of 786.26 feet to an angle point;

- 2) S47°55'14"W, a distance of 85.90 feet to an angle point;
- 3) S49°18'20"W, a distance of 589.25 feet to an angle point;
- 4) S48°01'10"W, a distance of 232.56 feet to a fence post;
- 5) S47°58'05"W, a distance of 345.92 feet to an angle point;
- 6) S47°46'45"W, a distance of 446.89 feet to an angle point;
- 7) S48°19'28"W, a distance of 438.49 feet to an angle point;

8) S48°07'05"W, a distance of 367.04 feet to fence corner post for the southerly corner of said 69.19 acre tract in the northeasterly right-of-way line of Valley Way Drive;

THENCE, S48°38'56"W, leaving the southerly corner of said 69.19 acre tract, over and across Valley View Drive, a distance of 49.85 feet to a point in the northeasterly line of said 133.84 acre tract and the southwesterly right-of-way line of Valley Way Drive;

THENCE, along the northeasterly line of said 133.84 acre tract and the southwesterly right-of-way line of Valley Way Drive, the following two (2) courses and distances;

- 1) S41°21'04"E, a distance of 1129.59 feet to a fence post;
- 2) S41°40'38"E, a distance of 1273.02 feet to an angle point;

THENCE, N48°19'22"E, leaving the northeasterly line of said 133.84 acre tract, over and across Valley View Drive, a distance of 61.02 feet to the easterly corner of said 239.035 acre tract in the northeasterly right-of-way line of Valley View Drive;

THENCE, along a portion of the northwesterly line of said 239.035 acre tract, the following three (3) courses and distances:

- 1) N48°15'16"E, a distance of 2761.12 feet to an angle point;
- 2) S41°47'43"E, a distance of 274.43 feet to a fence corner post;

3) N48°40'03"E, a distance of 976.49 feet to an iron rod for the southerly corner of said 70.540 acre tract;

THENCE, N40°19'04"W, leaving the northwesterly line of said 239.035 acre tract, along the southwesterly line of said 70.540 acre tract, a distance of 904.98 feet to an iron rod with "RL Surveying" cap for the easterly corner of said 70.540 acre tract, in the southeasterly line of said 49.325 acre tract;

THENCE, S49°05'23"W, leaving the southwesterly line of said 70.540 acre tract, along the southeasterly line of said 49.325 acre tract, a distance of 500.65 feet to an iron rod with "UDG 2433" cap for the southerly corner of said 49.325 acre tract;

THENCE, along the southwesterly line of said 49.325 acre tract, the following two (2) courses and distances:

- 1) N40°38'48"W, a distance of 400.80 feet to an iron rod with "UDG 2433" cap;
- 2) N40°43'42"W, a distance of 1287.69 feet to an iron rod for the southerly corner of Lot 6 of said Castle Hill Subdivision;

THENCE, N48°32'31"E, along the northwesterly lines of said 49.325 acre tract, said 49.330 acre tract, and said 47.271 acre tract, a distance of 3425.74 feet to an iron rod for the northwesterly corner of said 47.271 acre tract;

THENCE, along a portion of the northerly line of said 47.271 acre tract, the following three (3) courses and distances:

- 1) S41°01'56"E, a distance of 227.58 feet to an iron rod;
- 2) S85°53'10"E, a distance of 183.60 feet to an angle point;
- 3) N43°11'02"E, a distance of 271.56 feet to the northeasterly corner of said 47.271 acre tract in the southwesterly right-of-way line of F.M. 1966 (80' R.O.W.);

THENCE, S40°51'42"E, along the southwesterly right-of-way line of F.M. 1966, a distance of 1367.14 feet to the easterly corner of said 47.271 acre tract and northerly corner of a 1.0 acre tract of land conveyed to John M. Salazar Et. Ux. By deed of record in Volume 424, Page 100 of the Deed Records of said County;

THENCE, S48°43'20"W, leaving the southwesterly right-of-way line of F.M. 1966, along a portion of the southeasterly line of said 47.271 acre tract, a distance of 348.84 feet to an iron rod for the northwesterly corner of said 70.540 acre tract and the westerly corner of a 1.041 acre tract conveyed to Kelly J. Cansler Et. Ux. By deed of record in Volume 64, Page 782 of said Official Public Records;

THENCE, along the southerly lines of said 1.041 acre tract and the northerly lines of said 70.540 acre tract, the following two (2) courses and distances:

1) S41°01'59"E, a distance of 256.81 feet to an iron rod;

2) N47°37'30"E, a distance of 350.89 feet to an iron rod for the easterly corner of said 1.041 acre tract and the northeasterly corner of said 70.540 acre tract in the southwesterly right-of-way line of F.M. 1966;

THENCE, S41°14'17"E, along a portion of the southwesterly right-of-way line of F.M. 1966, a distance of 742.57 feet to an iron rod for the easterly corner of said 70.540 acre tract and the northerly corner of said 55.669 acre tract;

THENCE, S41°23'23"E, continuing along a portion of the southwesterly right-of-way line of F.M. 1966, a distance of 644.74 feet to the easterly corner of said 55.669 acre tract and the northerly corner of the remaining 2.437 acre tract of land conveyed to Barbara Kinkade and Life Estate reserved by Margaret Ann Wackerhagen by deed of record in Volume 507, Page 721 of said Official Public Records;

THENCE, leaving the southwesterly right-of-way line of F.M. 1966, along a portion of the irregular easterly line of said 55.669 acre tract and the westerly line of said 2.437 acre tract, the following seven (7) courses and distances:

1) S54°55'11"W, a distance of 457.51 feet to an angle point;

2) S39°04'07"E, a distance of 26.01 feet to an angle point;

3) S21°40'50"E, a distance of 95.81 feet to an angle point;

4) S80°14'00"W, a distance of 44.90 feet to an angle point;

5) S15°41'02"E, a distance of 84.10 feet to an angle point;

6) S27°21'59"E, a distance of 112.74 feet to a 1/2 inch iron rod;

7) S28°12'49"E, a distance of 210.26 feet to an 1/2 inch iron rod for the southerly corner of a 3.569 acre tract of land described in a deed to Barbara K. Warrens of record in Volume 232, Page 423 of said Official Public records;

THENCE, S48°42'23"W, along the southeasterly line of said 55.669 acre tract, a distance of 1852.73 feet to an iron rod in the northeasterly line of said 239.035 acre tract;

THENCE, along a portion of the northeasterly line of said 239.035 acre tract, the following three (3) courses and distances:

1) S41°02'56"E, a distance of 387.22 feet to an iron rod;

2) S41°06'40"E, a distance of 312.60 feet to an iron rod;

3) S40°42'48"E, a distance of 542.32 feet to a fence corner post for the easterly corner of said 239.035 acre tract and an angle point in the westerly line of said 59.828 acre tract;

THENCE, leaving the easterly corner of said 239.035 acre tract, along a portion of the westerly and northerly lines of said 59.828 acre tract, the following three (3) courses and distances:

1) S41°34'25"E, a distance of 151.16 feet to an iron rod;

2) N48°34'31"E, a distance of 610.04 feet to an iron rod for the northerly corner of said 59.828 acre tract;

3) S41°33'19"E, a distance of 1565.45 feet to the easterly corner of said 59.828 acre tract, in the curving northerly right-of-way line of the Union Pacific Railroad;

THENCE, along the easterly line of said 59.828 acre tract and the northerly right-of-way line of the Union Pacific Railroad, the following three (3) courses and distances:

1) Along a non-tangent curve to the left having a radius of 2786.27 feet, a central angle of 17°52'26", an arc length of 869.20 feet, and a chord which bears, S86°07'28"W, a distance of 865.68 feet to the end of said curve;

2) Along a non-tangent curve to the left having a radius of 3832.81 feet, a central angle of 06°04'35", an arc length of 406.47 feet, and a chord which bears, S73°32'28"W, a distance of 406.28 feet to the end of said curve;

3) S69°58'41"W, a distance of 2776.15 feet to an iron rod for the southerly corner of said 59.828 acre tract and an angle point in the easterly line of said 239.035 acre tract;

THENCE, along the easterly line of said 239.035 acre tract and the northerly right-of-way line of the Union Pacific Railroad, the following four (4) courses and distances:

1) S69°58'41"W, a distance of 92.94 feet to an angle point;

2) Along a non-tangent curve to the right having a radius of 3336.89 feet, a central angle of 06°13'09", an arc length of 362.21 feet, and a chord which bears, S72°55'53"W, a distance of 362.03 feet to the end of said curve;

3) Along a non-tangent curve to the right having a radius of 2825.30 feet, a central angle of 14°00'59", an arc length of 691.16 feet, and a chord which bears, S83°18'28"W, a distance of 689.44 feet to the end of said curve;

4) Along a non-tangent curve to the right having a radius of 55687.93 feet, a central angle of 00°48'17", an arc length of 782.17 feet, and a chord which bears, N88°10'00"W, a distance of 782.15 feet to the end of said curve at the intersection of the northerly right-of-way line of the Union Pacific Railroad and the northeasterly right-of-way line of Valley Way Drive;

THENCE, N41°20'20"W, leaving the northerly right-of-way line of the Union Pacific Railroad, along the northeasterly right-of-way line of Valley Way Drive and southerly line of said 239.035 acre tract, a distance of 429.48 feet to an angle point;

THENCE, S48°39'40"W, leaving southerly line of said 239.035 acre tract, over and across Valley Way Drive a distance of 51.67 feet to the POINT OF BEGINNING, containing an area of 1168.438 acres (50,897,146 square feet) of land, more or less, within these metes and bounds, SAVE AND EXCEPT THEREFROM the aforementioned 15.354 acre tract of land described as follows:

COMMENCING, at a 1/2 inch iron rod found in northerly right-of-way line of the Union Pacific Railroad for the southerly corner of said 59.828 acre tract and being in the easterly line of said 239.035 acre tract;

THENCE, N45°14'35"W, leaving the northerly right-of-way line of the Union Pacific Railroad and the southerly corner of said 59.828 acre tract, over and across said 239.035 acre tract, a distance of 944.36 feet to the POINT OF BEGINNING, being the southerly corner of said 15.354 acre tract and hereof;

THENCE, along the common lines of said 239.035 acre tract, said 15.354 acre tract and hereof, the following four (4) courses and distances:

1) N41°44'44"W, a distance of 760.00 feet to a point for the westerly corner of said 15.354 acre tract and hereof;

2) N48°15'16"E, a distance of 880.00 feet to a point for the northerly corner of said 15.354 acre tract and hereof;

3) S41°44'44"E, a distance of 760.00 feet to a point for the easterly corner of said 15.354 acre tract and hereof;

4) N48°15'16"E, a distance of 880.00 feet to the POINT OF BEGINNING, containing an area of 15.354 acres (668,800 square feet) of land, more or less, within these metes and bounds and FURTHER SAVE AND EXCEPT THEREFROM the aforementioned the 1.790 acre tract of land described as follows;

COMMENCING, at a fence corner post for the northerly corner of said 239.035 acre tract, being an angle point in the easterly line of said 70.540 acre tract;

THENCE, N31°58'37"W, leaving the northerly corner of said 239.035 acre tract, over

and across said 70.540 acre tract, a distance of 176.88 feet to a fence corner post for the POINT OF BEGINNING, being the easterly corner of said 1.790 acre tract and hereof;

THENCE, along the common lines of said 70.540 acre tract, said 1.790 acre tract and hereof, the following four (4) courses and distances:

1) S60°20'34"W, a distance of 237.04 to a fence corner post for the southerly corner of said 1.790 acre tract and hereof;

2) N32°55'40"W, a distance of 267.87 feet to a 1/2 inch iron rod for the westerly corner of said 1.790 acre tract and hereof;

3) N49°02'47"E, a distance of 297.06 feet to a 1/2 inch iron rod for the northerly corner of said 1.790 acre tract and hereof;

4) S22°49'48"E, a distance of 327.95 feet to the POINT OF BEGINNING, containing an area of 1.790 acres (77,991 square feet) of land, more or less, within these metes and bounds, leaving a TOTAL NET AREA of 1151.3 acres of land, more or less, within these metes and bounds.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8492, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8492.106 to read as follows:

Sec. 8492.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on May 5, 2015: Yeas 145, Nays 0, 2 present, not voting; passed by the Senate on May 20, 2015: Yeas 30, Nays 1.

Filed without signature June 1, 2015.

Effective June 1, 2015.

PRACTICE OF BARBERING AND COSMETOLOGY AT CERTAIN EVENTS

CHAPTER 270

H.B. No. 104

AN ACT

relating to the practice of barbering and cosmetology at certain events.